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June 24, 2015

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TO: AUDIT COMMITTEE

FROM: MARY C. WICKHAM *mcw (for)*  
Interim County Counsel

RE: **Review of Board Policy No. 3.054 - Board Ordered  
Investigations Pertaining to Confidential Information**

As requested, County Counsel has reviewed Board Policy No. 3.054, Board Ordered Investigations Pertaining to Confidential Information. We have also consulted with the Auditor-Controller and with their input recommend the following changes, which are included in the enclosed red-lined version of the policy:

**A. Reference Section** – Add the following references to related Board Policies and the Health Insurance Portability and Accountability Act:

1. Board of Supervisors Policy 6.109 – Security Incident Reporting;
2. Board of Supervisors Policy 9.040 – Investigations of Possible Criminal Activity within County Government; and
3. Health Insurance Portability and Accountability Act, PL 104-191, August 21, 1996, 110 Stat 1936.

**B. Policy Section:**

1. Add language "used or" to expand the County's duty to investigate under this Policy to include inappropriate uses of confidential information in addition to the current provision requiring investigation of inappropriate disclosure of confidential information.

2. Correct the capitalization of "federal" to lowercase.
3. Add language "use or" and "which shall include consultation with County Counsel" to provide that the Executive Office of the Board will consult with legal counsel prior to reporting unlawful use or release of confidential information to an investigative agency under the standard procedure developed for examining such communications pursuant to this Policy.
4. Add language to coordinate this Policy with related Board Policies 6.109 and 9.040 and the Health Insurance Portability and Accountability Act, which contain County procedures for reporting and investigating improper use or disclosure of confidential or protected information.

**C. Responsible Department Section:**

1. Add the Department of the Auditor-Controller as a responsible department due to its role under Board Policies 6.109 and 9.040 in the reporting and investigating improper use or disclosure of confidential or protected information.

**D. Date Issue/Sunset Date Section:**

1. Extends the Sunset Review Date for an additional five year term to August 17, 2020.

If you have any questions relating to this policy review or recommendations, please contact Senior Associate County Counsel Michael S. Buennagel at (213) 974-1833 or Guy Zelenski, Division Chief of the Auditor-Controller's Office of County Investigations, at (213) 893-0058.

MCW:MSB:bk

Enclosure

c: Sachi A. Hamai  
Interim Chief Executive Officer

Patrick Ogawa, Acting Executive Officer  
Board of Supervisors



# *Los Angeles County* **BOARD OF SUPERVISORS POLICY MANUAL**

Policy #:	Title:	Effective Date:
<b>3.054</b>	<b>Board Ordered Investigations Pertaining to Confidential Information</b>	<b>08/17/10</b>

## **PURPOSE**

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Require all County departments and commissions to cooperate in the investigations regarding the unlawful disclosure of confidential information to ensure the County is carrying out its legal obligations.

## **REFERENCE**

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Board Meeting of August 17, 2010, Item [48-D](#).

[Board of Supervisors Policy 6.109 – Security Incident Reporting](#)

[Board of Supervisors Policy 9.040 – Investigations of Possible Criminal Activity within County Government](#)

[Health Insurance Portability And Accountability Act, PL 104–191, August 21, 1996, 110 Stat 1936](#)

## **POLICY**

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It is the policy of the Board of Supervisors that in the event the Board requests a review of any confidential information that is inappropriately used or disclosed pursuant to State and/or ~~F~~ederal law, the County has a duty to investigate, and that all County departments and commissions, including the Executive Office of the Board of Supervisors, cooperate in the investigation to ensure the County is complying with its legal obligations. Should the investigation require the review of electronic communications from members of the Board of Supervisors and/or their staffs, the Executive Office of the Board of Supervisors will follow a standard procedure for

examining those communications and reporting any unlawful use or release of confidential information to the investigating agency, which shall include consultation with County Counsel. Pursuant to Board Policies 6.109 and 9.040, the Auditor-Controller's Office of County Investigations shall be notified immediately upon discovery of any suspected unlawful or wrongful use or disclosure of confidential information and before any internal investigation is conducted. Pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and Board Policy 6.109, any suspected wrongful use or disclosure of protected health information shall be immediately reported to the Auditor-Controller's Chief HIPAA Privacy Officer.

#### RESPONSIBLE DEPARTMENT

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Chief Executive Office

Auditor-Controller

County Counsel

Executive Office, Board of Supervisors

#### DATE ISSUED/SUNSET DATE

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**Issue Date: August 17, 2010**

**Sunset Date: August 17, 2015**

**Revised Date: June 24, 2015**

**Sunset Review Date: August 17, 2020**